

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

Plaintiff,

v.

DELL TECHNOLOGIES INC., DELL INC.,
AND EMC CORPORATION,

Defendants.

Case No. 6:20-cv-00473-ADA

JURY TRIAL DEMANDED

**DECLARATION OF BRIAN A. ROSENTHAL IN SUPPORT OF
DEFENDANTS' OPPOSED MOTION FOR INTRA-DISTRICT TRANSFER OF VENUE
TO THE AUSTIN DIVISION OF THE WESTERN DISTRICT OF TEXAS**

I, Brian A. Rosenthal, declare as follows:

1. I am an attorney permitted to practice law before this Court *pro hac vice* and am licensed to practice law in New York and the District of Columbia. I am a partner with the law firm of Gibson, Dunn & Crutcher LLP and counsel of record for Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation in the above-captioned action. I have personal knowledge and/or am directly informed of the matters stated below and, if called, would testify to them under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the entity details for WSOU Investments, LLC obtained by searching for “WSOU Investments” at <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx> on November 3, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of assignment Real/Frame 045085/0001, retrieved from the United States Patent Office’s website (<http://legacy-assignments.uspto.gov/assignments/assignment-pat-45085-1.pdf>) on November 4, 2020.

4. Attached hereto as **Exhibit 3** is a true and correct copy of assignment Real/Frame 044000/0053, retrieved from the United States Patent Office’s website (<http://legacy-assignments.uspto.gov/assignments/assignment-pat-44000-53.pdf>) on November 3, 2020.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the LinkedIn Profile of Stuart A. Shanus, retrieved from LinkedIn’s website (<https://www.linkedin.com/in/stuart-a-s-60a7695/>) on November 3, 2020.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the LinkedIn Profile of Craig Etchegoyen, retrieved from LinkedIn’s website (<https://www.linkedin.com/in/craig-etchegoyen-aa8a07199/>) on November 3, 2020.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the website <http://www.wadeandcompany.com/#contact>, retrieved on November 3, 2020.

8. Attached hereto as **Exhibit 7** is a true and correct copy of an article titled “AQUA Licensing to Manage Sale of Second Large Portfolio of Former Nokia and Alcatel-Lucent Telecommunications Patents,” obtained from <https://www.businesswire.com/news/home/20180207005651/en/AQUA-Licensing-to-Manage-Sale-of-Second-Large-Portfolio-of-Former-Nokia-and-Alcatel-Lucent-Telecommunications-Patents> on November 3, 2020.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the website <https://www.brazoslicensing.com/about>, retrieved on November 3, 2020.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a document titled “Dell EMC SmartFabric OS10 Switch Configuration Guide for VxRail 4.7,” obtained from https://downloads.dell.com/Manuals/Common/Dell_EMV_VxRail_47_OS10_Switch_Configuration_Guide_August_2019.pdf on November 4, 2020.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the locations from the D&B Hoovers report for Broadcom Inc., obtained from <https://www.dnbi.com>, on November 4, 2020.

12. Attached hereto as **Exhibit 11** is a true and correct copy of an excerpt from the file history of U.S. Patent No. 9,137,144, specifically the October 19, 2012 Communication – Re: Power of Attorney. This excerpt was retrieved from the United States Patent Office’s website (<https://portal.uspto.gov/pair/PublicPair>) on November 4, 2020.

13. Attached hereto as **Exhibit 12** is a true and correct copy of flights from Camarillo, California to Austin, Texas and from Camarillo, California to Waco, Texas obtained from the website Google Flights (<https://www.google.com/flights>), on November 3, 2020.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the website <https://assignment.uspto.gov/patent/index.html#/patent/search/resultAbstract?id=9137144&type=patNum>, retrieved on November 3, 2020.

15. Attached hereto as **Exhibit 14** is a true and correct copy of flights from Newark, New Jersey to Austin, Texas and from Newark, New Jersey to Waco, Texas obtained from the website Google Flights (<https://www.google.com/flights>), on November 3, 2020.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the price graph of flights from Paris, France to Austin, Texas and from Paris, France to Waco, Texas obtained from the website Google Flights (<https://www.google.com/flights>), on November 3, 2020.

17. Attached hereto as **Exhibit 16** is a true and correct copy of flights from San Francisco, California to Austin, Texas and from San Francisco, California to Waco, Texas obtained from the website Google Flights (<https://www.google.com/flights>), on November 3, 2020.

18. Attached hereto as **Exhibit 17** is a true and correct copy of U.S. Patent No. 9,049,137 obtained from <https://patents.google.com/> on November 4, 2020.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the website <https://careers.google.com/locations/austin/>, retrieved on November 4, 2020.

20. Attached hereto as **Exhibit 19** is a true and correct copy of flights from Los Angeles, California to Austin, Texas and from Los Angeles, California to Waco, Texas obtained from the website Google Flights (<https://www.google.com/flights>), on November 3, 2020.

21. Attached hereto as **Exhibit 20** is a true and correct copy of flights from Kailua-Kona, Hawaii to Austin, Texas and from Kailua-Kona, Hawaii to Waco, Texas obtained from the website Google Flights (<https://www.google.com/flights>), on November 3, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 4, 2020

/s/ Brian A. Rosenthal
Brian A. Rosenthal